

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Xuehai En	Art Unit :	2164
Serial No. :	09/346,195	Examiner :	Richard C. Weisberger
Filed :	July 1, 1999	Conf. No. :	2114
Title :	SELECTING INVESTMENTS FOR A PORTFOLIO		

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO ACTION OF APRIL 19, 2007

In the Office Action of April 19, 2007, the response period of which is extended to May 21, 2007 by Rule 1.7, the Examiner requested Applicant to "consider the election requirement and comment on claim 26."

The Examiner does not appear to have made any comment regarding claim 26. Accordingly, it is unclear what comment Applicant is expected to consider.

With regard to the election requirement, Applicant amended claims 27, 29, and 33 to conform to similar amendments to claims 2, 4, and 10.

With regard to the request for information under Rule 105, Applicant notes that information may be requested "[w]here the claimed invention is an improvement" and such information can include "identification of what is being improved."¹

Applicant regards the claimed invention as being novel and non-obvious over *Eilon*. However, Applicant does not necessarily regard the claimed invention as an improvement over *Eilon*. Accordingly, the information required to be submitted is unknown to the parties from which it was requested.

Applicant notes that the December 29, 2006 office action also requested, under Rule 105, identification in the specification of each element recited as a means-plus-function element or a step-plus-function element. However, the action of April 19, 2007 does not repeat this request. Applicant assumes that the Examiner has noted the absence of any such elements in the pending claims, and has therefore withdrawn the request.

¹ 37 CFR 1.105(a)(1)(vi).

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Attorney's Docket No.: 08375-046001

No fees are believed to be due in connection with the filing of this response. However, to the extent fees are due, or if a refund is forthcoming, please adjust our deposit account 06-1050.

Respectfully submitted,

Date:

May 21, 2007


Faustino A. Lichauco
Reg. No. 41,942

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (617) 542-8906